IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1007 (MS) OF 2005

1. Varun, Age (13 years)
2. Tarun Age (9 years),

Both are S/o late Shri Kiran Mal, Through Natural Guardain, Mother Smt. Prema Devi, R/o Mohabbe Wala, Tehsil-Kendriya Dun, District-Dehradun.

.....Petitioners.

Versus

1. Collector, Dehradun District-Dehradun, Uttaranchal.
2. Shri Dal Chandra, S/o Shri Ramu, R/o Gram Mohabbe Wala, Tehsil Kendriya Dun, District Dehradun.
3. Gaon Sabha Mohabbe Wala, Tehsil Kendriya Dun, District-Dehradun, through Gram Pradhan.
4. Govind Singh Thapa, S/o Shri Balram Singh Thapa, R/o Mohabbe Wala, Tehsil Kendriya Dun, District Dehradun, Through Gram Pradhan.
5. Shri Mansa, S/o Nandu,
6. Shri Sevendra Singh Gurung,
7. Shri Yogendra Singh Gurung,
8. Shri Dhirendra Singh Gurung,

All are S/o late Shri Udhaki Singh Gurung, R/o Mohabbe Wala, Tehsil Kendriya dun, District Dehradun.

9. Shri Yaqub, S/o late Shri Mehboob, Mutlabi Kabristan, Mohabbe Wala, District Dehradun.
10. Ahat Singh Rai, S/o late Shri H.B. Rai, R/o Mohabbe Wala, Tehsil Kendriya Dun, District Dehradun.

.....Respondents.

Dated: 07.07.2006

Hon'ble Rajesh Tandon, J.

Heard Sri M.S. Pal, Sr. Advocate, assisted by Sri V.S. Pal, Advocate for the petitioners and Standing Counsel for the respondent no. 1 and Sri Lokendra Dobhal, Advocate for the respondent no. 2.

By the present writ petition, the petitioners have prayed for a writ of certiorari quashing the order dated 27th July, 2005 passed by the Addl. Chief Revenue Commissioner in Revision No. 14 of 2003-04 Arun and another Vs. Dal Chand and others. Further prayer has been made for a writ of mandamus commanding the respondents not to give effect and operation of the order dated 29th July, 2003.

Briefly stated, a suit being Suit No. 16/-2001-02 under Section 28 was filed by the petitioners in the Court of A.D.M., Dehradun for correction of the map and Khasra, Khatauni in which wrong entry is made by settlement authorities at the time of settlement in the Fasli year 1400. Along with the suit the petitioners have moved the application for maintaining status quo, in which A.D.M. has passed the stay order on 29.07.2003.

Against the aforesaid stay order, the respondents filed a revision in the Court of Commissioner, who decided the same against the petitioners. The petitioners, therefore, filed a revision being Revision No. 14 of 2003-04 in the Court of Additional Chief Revenue Commissioner, Uttaranchal, Dehradun challenging the order passed by the Addl. Chief Revenue Commissioner on the ground that the provision contained under the Land Record Manual has been violated. The said revision filed by the petitioners was dismissed.

The grievance of the petitioners is that since the proceedings under Section 28 of the Land Revenue Act read

with Sections 31 and 39 of the U.P.Z.A. and L.R. Act is pending, the same may be directed to be disposed of within a period of two months and the parties may be directed to maintain status quo in the meantime.

In view of the aforesaid, I do not find any illegality in the order passed by the courts below. However, the Collector, Dehradun is directed to complete the proceedings under Section 28 of the Land Revenue Act within a period of two months from the date of presentation of the certified copy of this order. For a period of two months alone, the parties are directed to maintain status quo.

Subject to the aforesaid, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

07.07.2006
Rathour